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COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

Report of the Special Committee on Peace-keeping Operations

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I. INTRODUCTION

1. The General Assembly, in its resolution 47/71 of 14 December 1992, took note of the reports of the Special Committee on Peace-keeping Operations (A/47/253 and A/47/386) and decided that the Special Committee, in accordance with its mandate, should continue its efforts for a comprehensive review of the whole question of peace-keeping operations in all their aspects; and requested the Special Committee to submit a report on its work to the Assembly at its forty-eighth session (para. 59).

2. In paragraphs 60 and 61 of the resolution, the General Assembly invited Member States to submit any further observations and suggestions on peace-keeping operations to the Secretary-General by 1 March 1993, outlining proposals on specific items in order to allow for more detailed consideration by the Special Committee, with particular emphasis on practical proposals to make those operations more effective; and requested the Secretary-General to prepare, within existing resources, a compilation of the above-mentioned observations and suggestions and to submit it to the Special Committee by 30 March 1993.

3. In accordance with General Assembly resolution 2006 (XIX) of 18 February 1965 and 43/59 B of 6 December 1988, the Special Committee is composed of the following Member States: Afghanistan, Algeria, Argentina, Australia, Austria, Canada, China, Denmark, Egypt, El Salvador, Ethiopia, France, Germany, Guatemala, Hungary, India, Iraq, Italy, Japan, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Poland, Romania, Sierra Leone, Spain,

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* A/48/50.

Thailand, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

4. The Special Committee on Peace-keeping Operations held six meetings, on 5, 19 and 21 to 23 April and 19 May 1993.

5. Opening the 112th meeting, held on 5 April, Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, suggested that one area which merited the Special Committee's attention should be the question of political conditions that had to be fulfilled if peace-keeping operations were to succeed. Those conditions related to the clarity of their mandates, such as the consent of the parties to the conflicts to the deployment of peace-keeping operations and their continuing cooperation. He believed that the Special Committee could play a very valuable role if it reminded Member States and their legislative bodies of how important it was, at a time when resources available were limited, to ensure that peace-keeping operations were only set up in conditions where those operations could reasonably be expected to succeed.

6. At the same meeting, the Special Committee elected the following representatives as the Committee's officers for a term of one year: Ambassador Ibrahim A. Gambari (Nigeria), as Chairman; Ambassador Emilio J. Cardenas (Argentina), Ambassador David Malone (Canada), Mr. Shigeki Sumi (Japan) and Mr. Grzegorz Polowczyk (Poland), as Vice-Chairmen; and Mr. Abderahman S. Abderahman (Egypt), as Rapporteur.

7. The Special Committee also discussed its organization of work and decided to establish an open-ended Working Group, to be chaired by Canada, to consider the substance of the mandate entrusted to the Special Committee by the General Assembly in its resolution 47/71.

8. The Special Committee received requests for observer status from the Permanent Missions to the United Nations of Bangladesh, Belgium, Brazil, Bulgaria, Colombia, Cuba, Cyprus, the Czech Republic, Fiji, Finland, Indonesia, Iran (Islamic Republic of), Ireland, Lesotho, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Nepal, New Zealand, Nicaragua, Norway, the Philippines, Portugal, the Republic of Korea, the Republic of Moldova, Senegal, Singapore, the Slovak Republic, Sweden, Turkey, Ukraine, Uruguay, Viet Nam and Zimbabwe. It also received similar requests from the Permanent Observer of Switzerland as well as the delegation of the International Committee of the Red Cross (ICRC). The Special Committee took note of their requests and welcomed their participation in the meetings of the Committee and its open-ended Working Group as observers. The Special Committee also decided to accept a request from the International Peace Academy (IPA) to monitor the work of the Special Committee during its session without prejudice to the Committee's right to reconsider its decision in the future.

9. As a basis for its discussion, the Special Committee had before it the report of the Secretary-General (A/AC.121/40 and Add.1 and 2) containing further observations and suggestions on peace-keeping operations submitted by Member States at the request of the General Assembly in paragraph 60 of its resolution 47/71. Also before the Special Committee was a draft working document entitled Bureau Working Document No. 1/Rev.1, which was prepared by the Bureau based, inter alia, on the submissions of Member States to the Secretary-General and

contained a list of specific items and elements for possible consideration by the Special Committee (annex I).

II. GENERAL DEBATE AND WORKING GROUP CONSIDERATIONS

10. At its 113th to 116th meetings, held from 19 to 23 April, the Special Committee held a general debate on the matters before it.

11. The general debate was followed by discussions at the informal open-ended Working Group, which convened seven meetings between 26 April and 13 May. As a basis for its consideration, the Working Group had before it Bureau Working Document No. 2/Rev.1-3, which contained specific proposals from delegations for inclusion in the conclusions and recommendations of the present report.

12. At its 113th meeting, held on 19 April, the Special Committee invited Mr. Kofi Annan, Under-Secretary-General, Department of Peace-keeping Operations, to address the Special Committee. Mr. Annan stated that, in parallel with a sharp rise in number, United Nations peace-keeping operations had been evolving at a rapid pace in terms of their mandates: in Somalia and Bosnia and Herzegovina, United Nations peace-keepers were being used to safeguard the delivery of humanitarian aid; in Somalia, new ground had been broken by giving a United Nations operation the mandate, under Chapter VII of the Charter, to enforce the decisions of the Security Council; and in The Former Yugoslav Republic of Macedonia, a peace-keeping operation had been deployed for the first time for preventive purposes.

13. Referring to "An Agenda for Peace: preventive diplomacy, peacemaking and peace-keeping" (A/47/277-S/24111), in which the Secretary-General suggested that stand-by arrangements be concluded between the United Nations and Member States, Mr. Annan drew attention to the ongoing effort to search ways and means through which Member States could be encouraged to develop stand-by arrangements for peace-keeping personnel. To that end, a special planning team had already been set up with the task of defining standard components from which different types of peace-keeping operations might be put together. On funding, he hoped that the General Assembly would consider favourably during its forty-eighth session the Secretary-General's proposal that it appropriate one third of the estimated cost of each new operation as soon as the Security Council had decided to establish it. On the proposal for the establishment of a reserve stock of equipment, he mentioned that such a reserve stock would be used as a buffer stock to be drawn on for ongoing operations and the subsequent replenishment charged to their respective accounts. Training manuals were now being prepared for troops, military observers and civilian police. Mr. Annan stated that the Department of Peace-keeping Operations and the Field Operations Division were being expanded gradually to meet the increased demand. While appreciating the generosity of Member States, which made available military personnel to the Department free of charge, he said that it would be unrealistic for the Secretariat to continue to depend on such generosity and that in time the Secretariat would have to turn to Member States to fund additional posts to meet the increasing peace-keeping demands.

14. The Special Committee, at its 114th meeting, on 21 April, invited the President of the Security Council, Ambassador Jamsheed Marker (Pakistan), to

brief the Committee on the Council's work with respect to the Secretary-General's report entitled "An Agenda for Peace". He focused on the Council's recommendations issued in the form of presidential statements, including those concerning peace-keeping operations, safety of United Nations forces and personnel, fact-finding, cooperation with regional organizations, humanitarian assistance and post-conflict peace-building.

15. At its 115th meeting, on 22 April, the Special Committee invited the Chairman of the Informal Open-ended Working Group of the General Assembly on "An Agenda for Peace", Ambassador Nabil Elaraby (Egypt). He presented a detailed account on the work of the Working Group, which had a direct bearing on the issues dealt with by the Special Committee. He stressed that the Special Committee was uniquely qualified to achieve substantial progress towards reaching consensus recommendations on ideas related to peace-keeping operations contained in "An Agenda for Peace".

16. Also invited at the same meeting was the President of IPA, Ambassador Olara Otunnu. Ambassador Otunnu elaborated on the role and work of IPA, including training of peace-keeping personnel, policy research and the conflict resolution and crisis management programme for Africa.

17. General Joseph M. Baril, Military Adviser to the Secretary-General, was invited to address the Working Group, together with Mr. Denis Beissel, Deputy Director of the Field Operations Division, and Mr. Leon Hosang, Assistant Director of the Unit for Peace-keeping Matters and Special Assignments, Financial Management and Control Division. Mr. Joachim Hütter, Principal Officer of the Department of Peace-keeping Operations, attended the Working Group meetings to answer relevant questions posed by delegations.

18. The debates of the Special Committee were marked by an intensive exchange of substantive and constructive views on specific aspects of peace-keeping operations, reflecting the growing relevance of the Special Committee in forging the Organization's peace-keeping guidelines and standards. More than ever, delegations agreed, was the Special Committee qualified to assume a major role in shaping the current and future peace-keeping operations in all their aspects in a shared quest for enhanced and more effective peace-keeping operations.

19. The tenor of the debates also reinforced the view that United Nations peace-keeping was at a critical juncture. With the demand on peace-keeping operations soaring, the past year alone witnessed not only an exponential growth in their number but also a dramatic evolution of their mandates. Increasingly, United Nations operations were moving beyond the confines of their traditional concept and taking on more complex tasks in sometimes very difficult situations. Elements such as electoral assistance, humanitarian relief activities, human rights monitoring, assistance to nation-building, border monitoring and sanctions enforcement monitoring had come to be associated with United Nations peace-keeping. Some delegations, however, expressed reservations over some of those elements.

20. In view of the increasing complexity and diversity of peace-keeping operations, most delegations acknowledged that reliable, stable and timely availability of financial, human and material resources had become an ever more

important factor in ensuring smooth and effective management of peace-keeping operations.

21. Many delegations welcomed the steps taken by the Secretariat to implement the idea of developing stand-by arrangements for military and civilian personnel for peace-keeping participation. Such arrangements, in their view, could prove particularly important for the ability of the Organization to establish peace-keeping operations. Some delegations also saw merit in the establishment of a list of experts available from within the Secretariat as well as from Member States for fact-finding, technical and good offices missions. To ensure timely availability of material resources, a number of delegations endorsed the idea of stockpiling essential and standard peace-keeping equipment.

22. In the light of the increasing demand for civilians for a diversity of responsibilities, some delegations expressed concern about the lack of qualified civilian personnel for tasks such as electoral assistance, human rights monitoring, assistance in repatriation of refugees and the establishment of a transitional authority. Several delegations saw a need for an enhanced recruitment of civilian personnel and for the development of proper stand-by arrangements for peace-keeping operations, training and operational manuals and directives for the civilian personnel engaged in various kind of operations. Some delegations, however, expressed reservations over some of those aspects.

23. The precarious financial situation of peace-keeping operations continued to preoccupy delegations as a major source of concern. Despite the fact that the pattern of payment improved in 1992, it was noted with a sense of alarm that the amount of outstanding assessed contributions was even higher than in previous years because of a sharp rise in overall peace-keeping expenditures. On that point, it continued to be the dominant view among delegations that peace-keeping was a collective responsibility to be borne by all Member States under the Charter and, thus, all assessed contributions must be paid in full and on time. Many delegations welcomed the establishment in January 1993 of the Peace-keeping Reserve Fund designed to cover the start-up costs of future peace-keeping operations.

24. Many delegations reaffirmed that the current special assessment scale should be maintained and institutionalized as it, in their opinion, most accurately and fairly reflected the special responsibility of the permanent members of the Security Council as well as the limited financial capacity of developing countries. A number of delegations did not agree, questioning the assumption that permanent membership of the Council entailed a special financial responsibility. Some delegations expressed the view that continued peace-keeping benefits could only be assured through the equitable distribution of financial responsibility and indicated that the matter should be considered by the Fifth Committee of the General Assembly. Some delegations reiterated that sources of peace-keeping funding should be diversified so as to include donations from business corporations and other private and non-governmental sources raised by such means as international fund-raising campaigns. The view was expressed that the least developed countries should be exempted from the payment of contributions to any United Nations peace-keeping operation. Otherwise, they should be asked to make only a token and symbolic contribution.

25. Some delegations encouraged the consideration in the appropriate forums of further measures that could improve the financing of the peace-keeping operations, including the possibility of a unified peace-keeping operations budget with a consolidated annual billing system that took into account legislative budget cycles of Member States to the extent possible. Some delegations expressed concern at the current delays in the reimbursement to troop-contributing countries, especially to the developing countries, since the persistence of such a situation would make it very difficult for countries with limited resources to participate in peace-keeping operations, thus compromising the principle of broad participation in such operations.

26. Many delegations touched upon the Secretariat reorganization and welcomed the recent strengthening of its peace-keeping management and planning capacity. Among the welcome developments cited were the appointments of a training as well as a demining adviser in the Department of Peace-keeping Operations. Some delegations suggested further improvements, including an enhanced planning and management capacity.

27. Some delegations praised the establishment in the Secretariat of an around-the-clock monitoring system covering the United Nations Protection Force and the United Nations Operation in Somalia. The initiative taken by the Secretariat, they hoped, would soon lead to the creation of a full-fledged situation room covering all the ongoing operations in the field.

28. A number of delegations stressed the need for an increased information-gathering and analytical capability within the Secretariat. A suggestion was made that a system of global monitoring with the use of most up-to-date aerospace equipment should be established to monitor the development of both the existing and potential crises, including the observation of cease-fire accords and the flow of refugees. However, other delegations stressed the importance of cost effectiveness in considering the strengthening of the Organization's information-gathering capability. It was stressed that Member States should be kept informed of such capabilities.

29. The idea of establishing a logistics doctrine for peace-keeping operations earned support from many delegations, who were convinced that such a step would enhance the efficiency of peace-keeping operations. It was considered important to prepare a comprehensive manual of logistics policies so as to standardize logistics practices and procedures for future United Nations operations. A point was made that this should be done by the competent organs of the United Nations through United Nations financing.

30. While welcoming the increasing recourse to United Nations peace-keeping for the maintenance of international peace and security, some delegations stressed anew that peace-keeping operations should be of a temporary nature and that the Security Council should reconsider or, if needed, even terminate operations whose mandates had become unworkable. However, some delegations maintained that it was essential that a peace-keeping operation established to maintain peace remain in place until the problem was resolved. In that connection, some delegations stated that the Secretary-General should submit regular performance reports on all operations, including those operations with open-ended mandates.

31. Some delegations saw the growing necessity to maintain close cooperation and communication between the Secretariat and Member States, particularly those more directly interested and those making substantial personnel and financial contributions. A number of delegations appreciated that there was a growing number of informal consultations conducted between the Secretariat and troop contributors, and hoped that that practice would continue in the future on a frequent and regular basis. The suggestion was made that a process should be established whereby the President of the Security Council attended troop contributor meetings ex officio.

32. The precipitous rise in demand for peace-keeping operations, as well as an expansion in their scope and nature, had brought about an urgent necessity to develop and then maintain uniform and high standards for peace-keeping operations. A key factor to attain that goal, according to many delegations, was training. It was essential that units or individuals deployed were able to carry out their tasks effectively. It was therefore stressed that there was an urgent need to develop a framework for a joint training programme to meet the foreseeable future requirements for peace-keeping operations. The training should be based on a standardized curriculum for both traditional peace-keeping skills and those, such as demining and electoral monitoring, which were newer and more specialized. The objective should be to create a diverse international pool of peace-keeping personnel with comparable skills, knowledge, discipline and code of conduct able to work together effectively on short notice. Increased inter-operability between troops from different countries to function together should also be a main aim of peace-keeping training. Some delegations stressed that primary responsibility for training of peace-keeping personnel lay with Member States.

33. Many delegations believed that training for the trainers from contributing countries would yield high dividends for the effectiveness of peace-keeping operations. The establishment of regional training centres could also be a useful option. Other options might include cross-fertilization of experience through the loan and exchange of expert officers as instructors and the development of further useful peace-keeping manuals and publications.

34. Some delegations proposed a more proactive approach to the dissemination of accurate peace-keeping-related information and, to that end, the strengthening of media relations. The United Nations must work harder to get its story out. That would mean explaining mandates of peace-keeping operations and plans to implement them as they were developed, setting achievable objectives by which their success - or failure - could be measured, acknowledging sound criticism while also challenging inaccurate reporting where it occurred. The external communications dimension was tremendously important in order for support to be built among and within directly affected States and also among troop-contributing countries.

35. A substantial part of the debate revolved around the relevant proposals the Secretary-General had put forward in his report "An Agenda for Peace".

36. Many delegations noted with satisfaction the ongoing debates taking place on "An Agenda for Peace" in the Informal Open-ended Working Group of the General Assembly as well as in the Working Group of the Security Council. Some

delegations called for regular coordination and consultation between those bodies and the Special Committee.

37. A number of delegations believed that the Special Committee should endorse the concept and practice of preventive deployment as one that could be helpful in preventing conflict. They were convinced that, compared with traditional peace-keeping, preventive actions would be preferable. Members of the Special Committee also noted that demilitarized zones, including those for preventive purposes, had been and would continue to be essential tools in support of some United Nations peace-keeping efforts.

38. However, some delegations urged caution, maintaining that care must be taken to ensure that time-tested, traditional principles of peace-keeping, including the principle of consent, should be strictly applied. In particular, the use of preventive deployment and demilitarized zones for internal crisis might not be acceptable as it involved a high risk of interfering in internal matters of sovereign States.

39. The debate on "An Agenda for Peace" also involved in-depth discussion on the concept of peace enforcement. Some delegations considered that, under special circumstances and in rare cases, the concept underlying peace enforcement units might have validity and that the international community should not shy away from making use of that concept. Just such a special case was Somalia, where the authority of the central Government was completely destroyed and chronic civil strife had resulted in a serious deterioration of the humanitarian situation. What was needed, in their view, was a thorough and comprehensive examination of the concept. At that juncture, a number of delegations maintained that a clear distinction between peace-keeping and peace enforcement operations should be preserved. Particular caution was required in that regard if peace-keeping and peace enforcement operations were envisaged in the same area at the same time.

40. Specific proposals were made with respect to peace enforcement. Some delegations suggested that Member States should consider making their personnel available to peace-enforcement units. Another suggestion was made that in addition to the standard operating procedure for traditional peace-keeping operations, a separate standard operating procedure should be drafted by the Secretariat for those operations which included enforcement measures taken under Chapter VII of the Charter. A new standard operating procedure would specify a detailed set of rules of engagement, such as under what circumstances and to what extent the United Nations was allowed to use force.

41. However, reservations were expressed by those delegations which considered that Chapter VII of the Charter dealt with situations of an exceptional nature. They asserted, therefore, that the Organization should embark on a Chapter VII enforcement operation only on a case-by-case basis. A point was made that the concept of peace enforcement had yet to secure approval by the General Assembly.

42. In the course of the debate on the evolving concept of peace-keeping operations, as suggested in "An Agenda for Peace", a number of delegations pointed out that several recent peace-keeping operations were launched in circumstances different from those in the past. In some of the situations requiring peace-keeping now, there were no two sides to separate, no cease-fires

holding. Consequently, they believed, the principles governing future peace-keeping operations and the nature of troops needed would have to differ from those for traditional peace-keeping. It would be regrettable, according to those delegations, if the Special Committee failed to address the very real problems and achievements of newer operations simply because they did not fit classic conceptions of peace-keeping.

43. At that juncture, some delegations went further to argue that it might be necessary gradually to decouple peace-keeping operations from their traditional principles, in particular the requirement for the prior consent of all the parties concerned. Others asserted that such a requirement should not be used as a pretext by a State or a party to a dispute to undermine peace-keeping operations. The situations in Somalia and Bosnia and Herzegovina, in their view, also put in question other principles such as the absolute respect for national sovereignty and the unconditional restraint from interference in internal affairs.

44. However, strong concern about such deviations from traditional principles was voiced by those delegations which believed that, together with the principles and provisions of the Charter of the United Nations, time-tested principles should continue to be the basis for peace-keeping operations. According to them, success of peace-keeping depended heavily on strict compliance with the principles and practices that had guided such operations over the years, in particular the requirement for the prior consent of parties to conflicts. Any deviation from them was not only undesirable but would lead to failure. A number of delegations also stressed that reliance on such measures as sanctions and the use of force would be counterproductive as they only complicated situations. In that regard, extreme caution was advised in consideration of military means for resolution of disputes, including the use of peace enforcement units. Some delegations considered recourse to force a grave matter, which should only be used as a last resort.

45. Many delegations were in favour of encouraging further cooperation and coordination between the United Nations and regional organizations and arrangements in all phases of peace-keeping operations within their respective area of competence. Some delegations emphasized that the cooperation and coordination between the United Nations and regional organizations and arrangements should be strictly in accordance with Chapter VIII of the Charter. A proposal was made that a new mechanism, financed by voluntary sources and user fees, should be set up in the Secretariat to provide advice and assistance to eligible regional organizations for the enhancement of their capacity to employ confidence-building measures and undertake fact-finding, mediation, monitoring and peace-keeping missions. Some delegations objected to the notion of user fees in that context.

46. A delegation expressed the view that a distribution of responsibility between the United Nations and regional organizations could be applied to the settlement of conflicts and complicated humanitarian situations that had emerged on the territory of the former Union of Soviet Socialist Republics. It was stressed that broader involvement of the United Nations in the settlement of those conflicts could play a positive role.

47. While acknowledging that the Security Council bore primary responsibility for the maintenance of international peace and security, many delegations supported the Secretary-General's view that such responsibility must also be shared by the General Assembly and all the functional elements of the Organization. According to those delegations, the ideas suggested by the Secretary-General in "An Agenda for Peace" could provide fertile ground for the General Assembly to exercise a more active role in peace-keeping, not only in the field of financing but also in such areas as coordination between competent United Nations bodies, formulation of guidelines and principles, and support for the Secretary-General in managing operations.

48. The issue of the safety and security of peace-keeping personnel was of paramount concern to most delegations. As the United Nations took on more complex and risky mandates, the safety and security of United Nations troops and other personnel required more attention than it had received in the past. It was generally agreed that a more comprehensive, systematic and practical approach was needed to address the issue.

49. While noting that host Governments were primarily responsible for the safety of peace-keeping personnel, delegations acknowledged that there were some occasions when host countries and parties to conflicts had neither the ability nor the will to protect United Nations personnel. Under such circumstances, the United Nations itself had the primary responsibility to protect its personnel.

50. A variety of measures, ranging from the improvement of the existing mechanisms to the development of a new international legal regime, were proposed to enhance the safety and security of peace-keeping personnel. A suggestion was made that the General Assembly should establish an ad hoc working group to draft an international convention on the status and safety of United Nations personnel (see annex II, appendix, for the text of a draft convention submitted by a delegation). However, some delegations voiced doubts on the usefulness of a new international convention. It was pointed out that such a convention might not be sufficient as it only bound those States which ratified it. The point was made that the coverage of such a convention should not include those locally recruited by the United Nations. Other proposals put forward by delegations included more forceful actions to be taken by the Security Council, the provision to personnel of adequate protective gear, the reconfirmation of the existing principles and obligations of host Governments, improved information-gathering capacity of the Organization and the establishment of a unified compensatory system for the death and injury of peace-keeping personnel.

51. Delegations noted that, in accordance with the request made by the Security Council in its statement of 31 March 1993 (S/25493), the Secretary-General was to prepare a report on existing arrangements for the protection of United Nations forces and personnel and the adequacy thereof. It was noted that that report would assist the Special Committee in deciding what follow-up might be taken to enhance the status and safety of United Nations peace-keeping personnel.

III. CONCLUSIONS AND RECOMMENDATIONS

52. Having considered the suggestions and proposals presented by Member States, the Working Group submitted the following conclusions and recommendations to the Special Committee for its approval and transmittal to the General Assembly at its forty-eighth session.

A. RESOURCES AND FINANCES

1. Stand-by personnel and stand-by forces

53. The Special Committee welcomes the initiative of the Secretary-General on stand-by forces and arrangements for peace-keeping operations and looks forward to periodic reports on that initiative.

54. The Special Committee recommends that contact between the Secretariat and Member States should be enhanced with a view to clarifying the military and civilian needs for the United Nations peace-keeping operations and such capabilities of Member States as could be made available for those operations.

55. The Special Committee encourages Member States, to the extent their domestic arrangements permit, to develop, in cooperation with the Secretariat, arrangements for military, police and civilian personnel for participation in peace-keeping operations and to notify the existence and contents of such arrangements to the Secretary-General on an ongoing basis.

56. The Special Committee recommends that the feasibility of establishing a data bank of Member States' capabilities, funded from within existing resources, be developed and updated at regular intervals.

57. The Special Committee recommends that the requirements part of the study team's results be reflected in the "Notes for the guidance of troop contributors" so that Member States can react in a coordinated manner.

2. Material resources and services

58. The Special Committee stresses again the need for the United Nations to be given the resources commensurate with its growing responsibilities in the area of peace-keeping, particularly with regard to the resources needed for the start-up phase of such operations.

59. The Special Committee takes note of the Secretary-General's recommendations concerning the timely provision of basic peace-keeping equipment and suggests the development of a limited revolving reserve of such equipment within existing resources.

60. The Special Committee invites the Secretary-General to negotiate with Member States their willingness to earmark certain equipment specified by the Secretary-General for immediate sale, loan or donation to the United Nations when required.

61. The Special Committee encourages Member States to make available air and sea-lift capacity to the United Nations at highly competitive rates.

62. The Special Committee requests the Secretariat to develop guidelines concerning the disposition of United Nations equipment upon the termination of a peace-keeping operation.

Financing

63. The Special Committee recalls that the financing of peace-keeping operations is the collective responsibility of all Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations, reiterates its call upon all Member States to pay their assessed contributions in full and on time and encourages those States which can do so to make voluntary contributions that are acceptable to the Secretary-General.

64. The Special Committee once again invites the Secretary-General to review, as appropriate, the applicable United Nations financial and administrative regulations concerning peace-keeping operations. To that end, the Committee urges that steps be taken to strengthen lateral communication and the distribution of information within the Secretariat.

65. The Special Committee requests the Secretary-General to strengthen the financial arrangements of peace-keeping operations through appropriate internal and external controls. The Special Committee also stresses the need to ensure that appropriate accountability is maintained.

66. The Special Committee stresses the need to delegate the appropriate degree of financial and administrative authority to the force commanders, or special representatives while ensuring elements of responsibility and accountability are not diminished in order to increase the missions' capacity to adjust to new situations and specific requirements.

67. The Special Committee, noting that a number of military officers have been seconded to the Secretariat on a voluntary basis, urges the Secretary-General to implement financial arrangements within existing resources whereby all Member States can contribute to such a system in the future.

68. The Special Committee calls upon the Secretariat to prepare comprehensive budget estimates for all new and ongoing peace-keeping operations in a timely fashion in order to allow for a thorough examination by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly.

69. The Special Committee stresses the importance of reimbursing all outstanding dues of troop-contributing States without delay and requests the Secretary-General to report to the General Assembly in that regard.

70. The Special Committee reaffirms the competence of the General Assembly for the appropriation and apportionment of the costs of United Nations peace-keeping operations and notes the importance for the Security Council to consider, inter alia, the availability of adequate physical and material resources, and the cost implications, before it establishes new peace-keeping operations.

71. The Special Committee considers, in view of the critical financial situation of the United Nations, as described in the report of the Secretary-General of 5 October 1992 (A/C.5/47/13), that the issue of supplementing diversified financial resources, on terms acceptable to the Secretary-General, to the assessed contributions should be studied further in all the appropriate forums.

72. The Special Committee encourages the consideration in the appropriate forums of further measures that could improve the financing of the peace-keeping operations, including the feasibility of an improved billing system.

73. The Special Committee requests the Secretary-General to consult with Member States during his current review of the rates of reimbursement for depreciation of contingent-owned equipment deployed at the request of the United Nations.

74. The Special Committee asks the Secretariat to compile all the existing financial rules and regulations relating to peace-keeping into a comprehensive document available to Member States.

75. The Special Committee welcomes the creation of the Peace-keeping Reserve Fund but notes with concern that the heavy demand in peace-keeping has depleted the Fund considerably. The Special Committee stresses that the Fund should be used for meeting its primary purpose.

B. ORGANIZATION AND EFFECTIVENESS

1. Headquarters staffing (planning, control and coordination)

76. The Special Committee suggests that the Security Council and the Secretary-General continue to analyse a given situation very carefully before the establishment of a United Nations peace-keeping operation. A realistic mandate, including clear objectives and time-frame for the resolution of the problem, as appropriate, should be formulated in each case, conducive to the furtherance of the political process. The Security Council should periodically review the effectiveness of current operations with a view to ensuring that they are consistent with the objectives and the mandates as approved by the Council. The Special Committee also affirms that no change in the mandate, character or duration of the peace-keeping operations authorized by the Security Council is possible except through a specific decision of the Council.

77. The Special Committee welcomes the initiatives undertaken by the Secretary-General to strengthen and reform those units of the Secretariat dealing with peace-keeping.

78. The Special Committee stresses the need for the Secretariat to deal effectively and efficiently with planning, launching, managing and providing administrative and logistics support to peace-keeping operations and urges the Secretary-General, as the chief administrative officer of the Organization, to initiate a comprehensive review of the role, tasks and functions of the various units of the Secretariat with a view to identifying the optimum Secretariat structure in that respect.

79. The Special Committee takes note of the transfer of the Field Operations Division from the Office of General Services to the Office of the Under-Secretary-General for Administration and Management. The Special Committee further encourages the Secretary-General to continue his efforts to strengthen and make more effective the planning, management and administrative support within the departments responsible for peace-keeping operations, including the Field Operations Division, and in that connection, invites him to consider whether or not the transfer of relevant parts of the Field Operations Division to the Department of Peace-keeping Operations would enhance the process.

80. The Special Committee further urges the Secretary-General in his review of Secretariat capabilities to improve information flow and planning capability, and to enhance communications between United Nations Headquarters and field missions, in order effectively to manage peace-keeping operations and inform Member States as appropriate.

81. The Special Committee requests the Secretary-General to keep Member States informed on organizational responsibilities of the various units of those Secretariat departments responsible for peace-keeping operations.

82. The Special Committee invites the Secretary-General to identify a focal point for contacts by Member States seeking information on all facets, including operational, logistics and administrative matters, of ongoing and planned peace-keeping operations.

83. The Special Committee invites the Secretary-General to continue arrangements and procedures for providing additional personnel on a short-term basis in order to ensure that the Secretariat can respond effectively and efficiently to fluctuations in its workload, particularly when new operations are planned and launched, and keep the Member States informed of such procedures.

84. The Special Committee once again invites the Secretary-General to consider means whereby special representatives, force commanders and other key personnel of newly approved missions are identified and involved in the planning process at the earliest possible time.

2. Situation room

85. The Special Committee welcomes the initiative to establish in the Department of Peace-keeping Operations a situation room for certain operations, which will operate on a 24-hour/7-day-a-week basis, and will be equipped with appropriately standardized communications and information management systems so as to enhance the management of peace-keeping operations, and calls for the situation room to be established permanently for all peace-keeping operations.

3. Logistics practices and support

86. The Special Committee welcomes the initiative of the Secretariat to establish a logistics doctrine and procedures project charged with developing a compendium of United Nations logistics doctrine and procedures in order to

standardize logistics practices and procedures and thereby enhance the efficiency and effectiveness of logistics support to peace-keeping operations.

87. The Special Committee requests the Secretary-General to consider in the ongoing restructuring of the Secretariat ensuring the inclusion of a logistics planning capability in the Department of Peace-keeping Operations to consider all aspects of support required for peace-keeping operations.

4. Status-of-forces agreements

88. The Special Committee stresses that the conclusion of a status-of-forces agreement between the United Nations and a host State is of the utmost importance when deploying peace-keeping operations and calls upon host States to give their fullest cooperation in that regard. After the establishment of a peace-keeping operation by the Security Council, the concerned Member States should fully cooperate with the operation in the implementation of its mandate.

89. The Special Committee requests the Secretary-General to include in the status-of-forces agreement between the United Nations and host States the requirement for host States to treat the United Nations Forces at all times with full respect for the principles and relevant articles of the Charter.

5. Agreements between the United Nations and troop contributors

90. The Special Committee, noting the importance of concluding arrangements between the United Nations and troop contributors before deployment occurs, urges implementation of the agreements along the lines of the model agreement in the report of the Secretary-General of 23 May 1991 (A/46/185 and Corr.1).

91. The Special Committee requests the Secretary-General to include in the agreements to be concluded with States providing contingents a clause by which those States would ensure that the members of their contingents serving with the United Nations peace-keeping operations personnel are fully acquainted with the principles and rules of relevant international law, in particular international humanitarian law.

6. Rules of engagement

92. The Special Committee stresses the importance of the institution of appropriate rules of engagement for those operations with mandates or elements of their mandates under Chapter VII, on a case-by-case basis.

7. Evaluation of operations

93. The Special Committee, noting the recent increase of the number of peace-keeping operations, requests the Secretary-General to prepare a detailed report on operations that have significant difficulties in implementing their mandates by highlighting the root causes of such difficulties and suggesting possible measures to address them.

94. The Special Committee requests the Secretary-General, once again, to report periodically to Member States on the performance of all peace-keeping operations.

8. Advisory and consultative mechanisms for troop contributors and other Member States

95. The Special Committee, welcoming the increasingly frequent informal consultations between the Secretariat and contributing States more directly interested, strongly recommends the continuation of such consultations on peace-keeping operations from their initial stages to their conclusion. The presence of the President of the Security Council and other members of the Council, as appropriate, is strongly encouraged.

9. Training

96. The Special Committee welcomes the establishment of a focal point for peace-keeping training in the Department of Peace-keeping Operations.

97. The Special Committee requests the Secretary-General to review and improve arrangements for training peace-keeping personnel - civilian, police and military - using the appropriate capabilities of Member States, regional organizations and arrangements, non-governmental organizations and the Secretariat.

98. The Special Committee, acknowledging the increasing challenge of forging large and cohesive peace-keeping missions from many and diverse contingents, stresses the need for the effective training of civilian, police and military personnel before deployment and, in that regard, urges the Secretary-General to develop performance goals for individuals and units.

99. The Special Committee requests the Secretary-General to develop and publish peace-keeping training guidelines, manuals and other relevant training material in order to assist Member States in preparing their civilian, police and military personnel for peace-keeping operations in a standardized and cost-effective manner.

100. The Special Committee on Peace-keeping Operations requests the Secretary-General to arrange, within existing resources and using the capabilities of organizational components of the United Nations system, for peace-keeping training that is standardized and cost-effective and utilizes the best available resources and methods, including correspondence instruction. An essential element would be a capacity to train peace-keepers from every Member State as required, using standardized curricula for both general and specialized peace-keeping skills, including inter alia, demining, electoral monitoring and a code of conduct.

101. The Special Committee recommends the establishment of an annual training fellowship on peace-keeping to assist in the training of national trainers toward which the proceeds of the Nobel Peace Prize awarded to the United Nations peace-keepers in 1988 would be applied.

102. The Special Committee recommends that training for peace-keeping operations should, as appropriate, be included in the training of those military, civilian and police personnel being sent on peace-keeping operations and encourages Member States that have already developed such training to share information and experience with other Member States.

103. The Special Committee highly recommends that peace-keeping operations personnel be made generally aware of relevant local laws and customs of the host State.

104. The Special Committee encourages troop contributors to consider arrangements between themselves for the loan and/or exchange of peace-keeping operations experts to enhance operational effectiveness through sharing of information and experience gained in peace-keeping operations.

105. The Special Committee once again requests the Secretary-General to consider establishing a training programme for key staff personnel of peace-keeping operations with a view to creating a pool of trained personnel with knowledge of the United Nations system and its working procedures.

10. Public information

106. The Special Committee, recognizing that public information on peace-keeping operations, particularly an understanding of their mandates, is important, invites the Secretariat to adopt a proactive approach to information and media relations with respect to peace-keeping operations and to enhance communications strategies and systems in that regard.

107. The Special Committee requests the Secretariat immediately to make all necessary arrangements for the reissue of The Blue Helmets in 1995.

11. Memorial for United Nations peace-keepers

108. The Special Committee requests the Secretariat to take the appropriate steps to record in a dignified and yet simple manner in a public area of the United Nations Headquarters the names of those who have given their lives in the service of the Organization's peace-keeping operations.

C. ISSUES ARISING FROM AN AGENDA FOR PEACE

109. The Special Committee, noting General Assembly resolution 47/120 of 18 December 1992, welcomes the efforts of the Secretary-General to take appropriate steps through preventive diplomacy and, recognizing the need for those steps to be based on timely and accurate knowledge of relevant facts, urges the Secretary-General to strengthen the capability of the Secretariat to secure and analyse all relevant information from as wide a variety of sources as possible, and further urges Member States to assist the Secretary-General by provision of information on a confidential basis, when appropriate. The Special Committee also requests the Secretary-General to keep the Member States informed of such capabilities and mechanisms.

110. The Special Committee notes the establishment of a preventive deployment operation and suggests that the Security Council continue to consider, taking into account, inter alia the principles of the Charter of the United Nations, relevant General Assembly resolutions and the practices of the United Nations, preventive deployment of a United Nations presence or the establishment of demilitarized zones, with the objective of preventing conflicts and promoting efforts to achieve peaceful settlements of disputes. The Special Committee resolves to continue the consideration of the issue at its next session.

111. The Special Committee encourages, in accordance with Chapter VIII of the Charter, the involvement of Member States through regional organizations and arrangements, as appropriate, in peace-keeping operations in their respective areas of competence and mandates.

112. The Special Committee requests the Secretary-General, in accordance with Chapter VIII of the Charter, to consider ways to provide advice and assistance, in a variety of forms such as advisory services, seminars and conferences, to regional organizations and arrangements to enhance their capacity to employ confidence-building measures and undertake fact-finding, mediation, monitoring, peace-keeping missions and post-conflict peace-building, in their respective areas of competence and mandate.

D. STATUS AND SAFETY OF UNITED NATIONS PEACE-KEEPING PERSONNEL

1. Responsibility of Governments of host States and parties to conflicts

113. The Special Committee urges all Member States in whose territory United Nations peace-keeping operations are conducted to provide, in accordance with relevant articles of the Charter and other instruments, comprehensive support to all United Nations peace-keeping operations personnel in fulfilling their functions, as well as to take all necessary measures to ensure respect for and guarantee the safety and security of those personnel.

114. The Special Committee considers that the State in whose territory a United Nations peace-keeping operation is conducted should act promptly to deter and prosecute all those responsible for attacks and other acts of violence against all personnel of the United Nations peace-keeping operations.

115. The Special Committee notes the particular difficulties and dangers that can arise when United Nations peace-keeping operations are conducted in situations where no viable government authority exists to exercise jurisdiction in order to ensure the safety and security of United Nations personnel, or where the government authority is unwilling to discharge its responsibilities in that regard. In such an eventuality, the Special Committee agrees that measures appropriate to the particular circumstances should be considered by the Security Council, as appropriate, to ensure that persons responsible for attacks and other acts of violence against United Nations peace-keeping operations are held to account for their actions.

2. Information relevant to the safety of United Nations peace-keepers

116. The Special Committee emphasizes the importance of all relevant information on conditions in the field of operations for the safety of United Nations peace-keepers and invites the Secretariat to adopt measures to secure and analyse such information from as wide a variety of sources as possible for immediate transmission to field missions.

117. The Special Committee considers that it is the responsibility of host countries to disseminate to their populations necessary information on the role of peace-keeping operations and the inviolability of the safety of peace-keepers, including the information the United Nations may make available for that purpose.

118. The Special Committee considers that host countries are required to provide all available information in a timely manner to the United Nations and the respective peace-keeping missions in the field on any potential dangers that might jeopardize the safety of the peace-keepers, and that that requirement should be clearly specified in the status-of-forces agreement.

3. Compensation for death, injury and illness

119. The Special Committee urges the Secretary-General to review the current arrangements of compensation for death, injury, disability or illness attributable to peace-keeping service with a view to developing more equitable and appropriate arrangements, and to ensure expeditious reimbursement.

4. Enhancement of safety and the role of the United Nations

120. The Special Committee recognizes that the conditions in the field require practical steps aimed at enhancing the necessary operational, political and legal environment to deal effectively with the problems of growing vulnerability of the personnel of United Nations operations deployed in the field.

121. The Special Committee requests the Secretary-General to take concrete steps to improve the physical security of all United Nations peace-keeping personnel deployed in the field, including all aspects related to material, organizational, operational and other aspects of safety.

122. The Special Committee welcomes the Security Council statement of 31 March 1993 (S/25493) in which the Council requested the Secretary-General to report as soon as possible on the existing arrangements for the protection of United Nations forces and personnel, and the adequacy thereof, taking into account, inter alia, relevant multilateral instruments and status-of-forces agreements concluded between the United Nations and host countries, as well as comments received from Member States, and to make such recommendations as the Secretary-General considers appropriate for enhancing the safety and security of United Nations forces and personnel. The Special Committee urges the Secretary-General to complete his report as soon as possible.

123. The Special Committee will consider, in the light of the report of the Secretary-General, what further steps might be taken to enhance the status and safety of United Nations personnel involved in peace-keeping operations, taking into account the need for concerted action by all relevant bodies of the United Nations in that regard. In that connection, the Special Committee will, as appropriate, give due consideration to:

(a) Promoting the elaboration of a declaration that would, inter alia, reaffirm the principles of international law and the obligations of Member States concerning the status and safety of United Nations personnel;

(b) Suggesting that the Security Council consider including in mandates for the deployment of United Nations personnel specific provisions recalling the obligations of Member States and the expectations of the United Nations concerning the status and safety of United Nations personnel;

(c) Making a recommendation that the General Assembly consider in what forum a coherent, legally binding international instrument to reinforce the existing arrangements regarding the status and safety of United Nations personnel might be developed.

124. At its 117th meeting, on 19 May, the Special Committee considered and adopted its report to the General Assembly at its forty-eighth session.

ANNEX I

Bureau Working Document No. 1/Rev.1

Covering note

At its 114th meeting, on 21 April 1993, the Special Committee on Peace-keeping Operations approved draft working document No. 1/Rev.1 prepared by the Bureau, based on submissions of Member States to the Secretary-General, in accordance with paragraph 60 of General Assembly resolution 47/71 of 14 December 1992, contained in document A/AC.121/40 and Add.1-2, and the opinions expressed during the organizational meeting of the Special Committee on 5 April 1993.

In preparing the present working paper, the Bureau has taken into account the views expressed by many delegations that the Working Group should avoid a lengthy debate and move expeditiously to consider the proposals and recommendations submitted by delegations. The Bureau has grouped the topics in four categories, in such a way as to allow flexibility in the consideration of the proposals and recommendations submitted by delegations.

LIST OF TOPICS

I. RESOURCES AND FINANCES

(a) Stand-by personnel and stand-by forces.

(b) Broader participation by Member States.

(c) Material resources (critical equipment/interoperability).

(d) Finances (reimbursements, use of the Peace-keeping Reserve Fund, delegation of authority).

II. ORGANIZATION AND EFFECTIVENESS

(a) General conditions for the conduct of peace-keeping operations.

(b) Headquarters staffing (planning, control and coordination).

(c) Situation room.

(d) Logistics practices and support.

(e) Use of model agreements.

(f) Evaluation of operations.

(g) Advisory and consultative mechanisms for troop contributors and other Member States.

(h) Training.

(i) Public information (the proactive approach).

III. ISSUES ARISING FROM "AN AGENDA FOR PEACE"

(a) Preventive diplomacy (including United Nations analytical capability) and peacemaking.

(b) Peace-keeping recommendations.

(c) Cooperation with regional organizations and arrangements.

(d) Civilian components of peace-keeping operations.

IV. SAFETY AND SECURITY OF UNITED NATIONS PERSONNEL

(a) Responsibility of Governments of host States and parties to conflicts.

(b) Compensation for death, injury or illness.

(c) Information relevant to United Nations troop security.

(d) Possible further measures.

ANNEX II

Explanatory notes on the "Draft elements for an international convention on the status and safety of the personnel of the United Nations force and associated civilian personnel"

1. In its resolution 47/72, adopted by consensus on 14 December 1992, the General Assembly, inter alia, requested the Special Committee on Peace-keeping Operations to study other measures to ensure the safety of peace-keeping and other United Nations personnel and to report thereon to the Assembly. The need for adequate protection of the personnel participating in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations in accordance with the norms and principles of international law has been also stressed in General Assembly resolution 47/120 of 18 December 1992, on the Secretary-General's report "An Agenda for Peace".

2. The issue of the safety of personnel was the subject of intense consultations among the members of the United Nations Security Council, initiated by the delegation of New Zealand, which resulted in a statement by the President of the Council. In that statement the members of the Security Council recognized, inter alia, an indispensable role that could be played by the Special Committee on Peace-keeping Operations in working out concrete measures for ensuring the safety of United Nations peace-keeping and other personnel.

3. Indeed the truly alarming situation in the field requires practical steps aimed at creating the necessary political and legal environment for dealing effectively with the problem of growing vulnerability of United Nations personnel deployed in areas of conflict.

4. What is lacking, in our view, is a universal, legally binding international instrument, preferably a convention, that would bring together all existing norms of international law, in particular international humanitarian law, that may be applicable to the personnel of the United Nations force and associated civilian personnel, as well as provisions contained in the various status-of-forces agreements and other bilateral and multilateral arrangements concluded in that regard. Naturally, recent experience and practice may suggest certain new approaches to the issue and lead to the elaboration of new norms.

5. The enclosed "draft elements" for such a convention (see appendix) constitute not only an attempt to provoke a discussion on the issue, but also a practical contribution to the ongoing efforts aimed at halting the wave of criminal acts against United Nations peace-keeping and other personnel.

6. These proposals were designed as a follow-up to General Assembly resolution 47/72. Recently the concept of an international convention was reinforced by the in-depth deliberations in the Security Council that give us reason to believe that the idea would be favourably received in the Special Committee.

7. In that connection the delegation of Ukraine would like to stress its flexibility and readiness to work closely with all delegations in finding mutually acceptable approaches to the problem of enhancing the safety of United Nations peace-keeping and other personnel.

8. As far as our concrete suggestions contained in the draft elements are concerned, we hope that they can become the basis for further discussions that would eventually evolve into agreed formulations.

9. The delegation of Ukraine would appreciate any comments on the proposed idea of a convention and the suggested draft elements for it.

APPENDIX

Draft elements for an international convention on the status and safety of the personnel of the United Nations force and associated civilian personnel

Preamble

The States Parties,

Reiterating their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the relevant norms of international law, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations,

Acknowledging the vital importance of the involvement of the personnel of the United Nations force and associated civilian personnel in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations,

Conscious of the existing arrangements for ensuring the safety of the personnel of the United Nation force and associated civilian personnel, as well as of the steps taken by the principal organs of the United Nations in this regard,

Convinced that deployment of the United Nations peace-keeping operations is an integral component of the United Nations peace efforts, which enhance the effectiveness of the United Nations in the maintenance of international peace and security,

Bearing in mind that increasing activities of the United Nations in the field of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations require provision of extensive human, financial and material resources for the Organization,

Appealing to all States in whose territory the personnel of the United Nations force and associated civilian personnel are deployed in connection with the mandate adopted by the United Nations Security Council, and to all parties concerned to provide comprehensive support aimed at facilitating the conduct of an operation and urging them to respect and guarantee safety of those personnel,

Stressing the need for adequate protection of the personnel participating in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations in accordance with the norms and principles of international law,

Have agreed on the following:

PART I

GENERAL PROVISIONS

Article 1

General principles and scope

1. The States Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

2. In cases not covered by the present Convention or by other international agreements, the personnel of the United Nations force and associated civilian personnel remain under the protection of universally recognized principles of international law, in particular norms of international humanitarian law.

3. The present Convention shall apply in the cases of settlement of armed conflicts between two or among several States Parties, which threaten international peace and security, and in which the personnel of the United Nations force and associated civilian personnel are involved in accordance with the decision of the Security Council.

4. The present Convention shall also apply to non-international conflict within a State Party when such conflict risks to develop into an international one, or when representative authorities of a State Party have requested the United Nations Security Council to deploy in its territory the United Nations peace-keeping operation.

5. Unless it is explicitly stipulated otherwise, the provisions of the present Convention shall apply exclusively to the area where the United Nations peace-keeping operation is deployed.

6. If one of the parties to a conflict is not a State Party to the present Convention the States Parties shall nevertheless remain bound by its provisions in their relations.

Article 2

Definitions

For the purposes of the present Convention the term:

(1) "United Nations peace-keeping operation" shall mean the deployment of a United Nations presence in the area of conflict in accordance with the mandate approved by a resolution of the Security Council, aimed, inter alia, at prevention, maintaining or restoring international peace and security, exclusively in the common interest of the international community, disengaging the conflicting parties, creating conditions for peaceful settlement of a conflict, monitoring cease-fire and compliance with peace agreements, as well as for rendering humanitarian assistance to civilian population in the area of

deployment. The United Nations peace-keeping operation shall be conducted at the request or with the consent of the parties concerned;

(2) "Personnel of the United Nations force" shall mean a contingent of United Nations personnel, participating in the United Nations peace-keeping operation, including military personnel and/or military observers contributed by Member States at the request of the Secretary-General and with the approval of the Security Council for carrying out the mandate adopted by the Council for a specific operation, as well as civilian police personnel and civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and so on provided by Member States;

(3) "Associated civilian personnel" shall mean all personnel deployed or stationed in the area of a peace-keeping operation by a specialized agency or other organization or programme of the United Nations system to carry out activities in connection with the performance of a mandate approved by the Security Council, as well as all persons deployed or stationed in an area by any other humanitarian organization or agency to carry out activities pursuant to an arrangement with the United Nations relating to the performance of a mandate approved by a resolution of the Security Council.

Article 3

Identification

The United Nations shall take appropriate measures to make the personnel of the United Nations force and associated civilian personnel as well as buildings and equipment identifiable when they are exclusively destined for carrying out a mandate approved by the Security Council, namely:

(1) The United Nations flag shall be hoisted in the headquarters, camps or other premises and areas of stationing of the personnel of the United Nations force and associated civilian personnel in the country where the United Nations peace-keeping operation is conducted;

(2) Ground, water and air transportation vehicles of the personnel of the United Nations force and associated civilian personnel shall be marked by the distinctive United Nations emblem reported to the Government of the State in whose territory the United Nations peace-keeping operation is conducted;

(3) Personnel of the United Nations force and associated civilian personnel shall at all times carry the distinctive emblem on their uniform, which also shall be reported to the Government of the State in whose territory the United Nations peace-keeping operation is conducted. In cases when part of the territory is occupied, such information shall be reported to the administration exercising actual authority over that part of the territory;

(4) Military personnel and civilian police personnel when executing official duties shall wear national military or police uniform;

(5) Each State Party, as well as a party to a conflict, shall endeavour to adopt and implement methods and procedures that will make it possible to

recognize the personnel of the United Nations force and associated civilian personnel and transports that use the distinctive emblem;

(6) In an area where fighting is taking place or is likely to take place the personnel of the United Nations force and associated civilian personnel should be recognized by the distinctive emblem and an identity card certifying their international status.

PART II

STATUS OF THE PERSONNEL OF THE UNITED NATIONS FORCE AND ASSOCIATED CIVILIAN PERSONNEL

Article 4

Respect for international character

The Government of a State Party in whose territory the United Nations peace-keeping operation is conducted or the administration exercising actual authority over the territory in question and/or the area of the operation shall respect the exclusive international character of the personnel of the United Nations force and associated civilian personnel.

Article 5

Privileges and immunities of the personnel of the United Nations force and associated civilian personnel

1. Personnel of the United Nations force and associated civilian personnel shall have the right of unimpeded entry and exit to and from a State in whose territory the United Nations peace-keeping operation is conducted. For the purposes of such entry or exit personnel of the United Nations force and associated civilian personnel require only an identity card issued by the special representative/force commander. An exception shall be made in the case of initial entry, when an identity card issued by the competent authorities of a State Party shall be accepted.

2. Existing national passport and visa regulations, as well as immigration formalities, shall not be applied. Neither shall any provisions governing the stay in the country of foreign nationals, including registration, be applied. Those personnel, however, shall not be considered as having the right of permanent residence in such country.

3. Personnel of the United Nations force and associated civilian personnel in fulfilling their duties shall be accorded the following privileges and immunities:

(1) Immunity from personal arrest or detention, as well as from any kind of legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(2) Exemption from taxes on salaries and remunerations received from the United Nations or from their home Government, as well as exemption from all other direct taxes, except municipal ones for services rendered;

(3) Exemption from customs duties and charges for all private correspondence, money orders, printed materials and parcels sent or received by the personnel of the United Nations force and associated civilian personnel;

(4) Other privileges and immunities to be determined in the status-of-forces agreement on the basis of the provisions of article 5 of the Convention on the Privileges and Immunities of the United Nations of 1946.

Article 6

The right to carry arms

1. Military personnel and civilian police personnel have the right to have and carry arms and to use them in self-defence when fulfilling the functions mandated to them by the United Nations Security Council.

2. The type of arms and rules of engagement shall be determined by a specific provision in a mandate adopted for each United Nations peace-keeping operation by a resolution of the Security Council.

Article 7

Respect of laws and regulations of the host country

1. Without prejudice to their privileges and immunities and fulfilling of their duties, the personnel of the United Nations force and associated civilian personnel shall respect the laws and regulations of a State Party in whose territory the United Nations peace-keeping operation is conducted.

2. In the case of a committed crime by a member of the personnel of the United Nations force and associated civilian personnel the jurisdiction of the State of permanent citizenship shall apply.

PART III

OBLIGATIONS AND REPRESSION OF BREACHES OF THE CONVENTION

Article 8

Obligations of a State Party where a peace-keeping operation is conducted

1. A State Party in whose territory the United Nations peace-keeping operation is conducted undertakes to provide comprehensive support to the personnel of the United Nations force and associated civilian personnel in

fulfilling their functions, as well as to take all necessary measures to ensure respect and guarantee safety and security of those personnel.

2. The Government of a State Party in whose territory the United Nations peace-keeping operation is conducted shall guarantee criminal prosecution of persons initiating hostile acts against the personnel of the United Nations force and associated civilian personnel. That Government shall act promptly and efficiently to deter, prosecute and punish all those responsible for attacks and other acts of violence against such personnel.

3. In a situation where the Government of a State Party in whose territory the United Nations peace-keeping operation is conducted is unable to exercise jurisdiction in order to ensure the safety and security of such personnel, it will fully cooperate with other States Parties in order to act collectively to ensure that persons responsible for carrying out, authorizing or acquiescing in attacks and other acts of violence against the personnel of the United Nations force and associated civilian personnel are held responsible for international offence.

Article 9

Cooperation

In a situation of serious violations of the present Convention, the States Parties undertake to act, jointly or individually, in cooperation with the United Nations Security Council and in conformity with the Charter of the United Nations, including Chapter VII.

Article 10

Breaches of the Convention

Attacks and other acts of violence, whether actual or threatened, against the personnel of the United Nations force and associated civilian personnel, including kidnapping, obstruction or detention of persons, shall be considered a criminal offence and shall entail international responsibility in accordance with this Convention and relevant norms of international law.

Article 11

Responsibility

A party to a conflict shall be responsible for the breaches of the Convention committed by persons forming part of its armed forces, as well as by civilians under its control or jurisdiction.

Article 12

Right of self-defence of military personnel of the United Nations force

In the case of grave violations of the provisions of the present Convention by armed forces or armed groups of a party to a conflict, military personnel of the United Nations force shall have the right to act in self-defence in accordance with the rules of engagement adopted for each peace-keeping operation, which may be widened or specified on the basis of a special decision taken by the United Nations Security Council.

Article 13

Recall of the United Nations personnel

If cases stipulated in article 10 continue to occur, a State Party whose personnel is engaged in the United Nations peace-keeping operation shall have the right to recall that personnel as not adequately protected.

Article 14

Compensation

In the case of death, wound or other injury of a member of the personnel of the United Nations force or associated civilian personnel or damage of equipment and technical means of the United Nations peace-keeping force, the United Nations shall pay compensation to the beneficiary upon the request of a State whose national is killed or injured or whose property and equipment are damaged. The amount of compensation shall be determined by the United Nations on the basis of a unified approach.

PART IV

FINAL PROVISIONS

Article 15

Signature

This Convention shall be open for signature by all States.

Article 16

Ratification

This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations, depository of the present Convention.

Article 17

Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 18

Entry into force

This Convention shall enter into force ___ days after ___ instruments of ratification or accession have been deposited with the Secretary-General of the United Nations.

Article 19

Denunciation

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

Article 20

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.